



**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

DAVID LEE,	:	CASE NO. 3:13-cv-222
	:	
Plaintiff,	:	Judge Thomas M. Rose
	:	
v.	:	
	:	<b><u>DEFENDANT CITY OF MORAINÉ'S</u></b>
THE CITY OF MORAINÉ FIRE	:	<b><u>OFFER OF JUDGMENT TO</u></b>
DEPARTMENT, <i>et al.</i> ,	:	<b><u>PLAINTIFF DAVID LEE PURSUANT</u></b>
	:	<b><u>TO CIV. R. 68</u></b>
Defendants.	:	
	:	

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Pursuant to Rule 68 of the Federal Rules of Civil Procedure, Defendant City of Moraine hereby offers to allow judgment to be taken against it in favor of Plaintiff David Lee, as follows:

1. Judgment shall be entered in the amount of \$168,000.00, as against Defendant without Mr. Lee's reinstatement to his former position with the City of Moraine;
2. In addition to the amount set forth in Paragraph 1, Plaintiff's reasonable costs and reasonable attorney fees accrued as of April 13, 2015 in connection with the claims against Defendant in the above-referenced action are to be added to the judgment; said fees and costs are to be in an amount as agreed to between counsel for the parties, or if they are unable to agree, as determined by the Court upon motion;
3. The judgment entered in accordance with this Offer of Judgment is to be in total settlement of any and all claims by Plaintiff in the above captioned case against Defendant and said judgment shall have no effect whatsoever except in settlement of those claims;
4. This Offer of Judgment is made solely for the purposes specified in Rule 68, and is not to be construed either as an admission that Defendant is liable in this action, or that Plaintiffs have suffered any damage. All liability remains denied.

Respectfully submitted,

SURDYK, DOWD & TURNER, CO., L.P.A.

/s/ Dawn M. Frick

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*Attorneys for the City of Moraine Fire*

*Department and the City of Moraine, Ohio*

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a copy of the foregoing was served upon Adam R. Webber, 30 Wyoming St., Dayton, Ohio 45409 this 10<sup>th</sup> day of April, 2015.

/s/Dawn M. Frick

Dawn M. Frick (0069068)